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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/751,092	01/02/2004	William R. Dodds	3158.01US02	1330
24113	7590	05/17/2004	EXAMINER	
PATTERSON, THUENTE, SKAAR & CHRISTENSEN, P.A. 4800 IDS CENTER 80 SOUTH 8TH STREET MINNEAPOLIS, MN 55402-2100			GRILES, BETHANY L	
			ART UNIT	PAPER NUMBER
			3643	

DATE MAILED: 05/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/751,092	DODDS, WILLIAM R.
	Examiner	Art Unit
	Bethany L. Griles	3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 10 January 2004.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-23 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-18 and 20-23 is/are rejected.

7)  Claim(s) 19 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
    Paper No(s)/Mail Date \_\_\_\_\_  
4)  Interview Summary (PTO-413)  
    Paper No(s)/Mail Date. \_\_\_\_\_  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-8, 10-13, 15-18, 20-23 are rejected under 35 U.S.C. 102(b) as being anticipated by France et al. US3180319.
3. Regarding claims 1 and 22, France et al. disclose a container having a plurality of sidewalls 22, 16, each wall having a structure that defines at least one opening which permits access to the interior of the container 36, 46 and an undulating extension surrounding the container having regions of increased extension and regions of decreased extension wherein the undulating extension defines a plurality of separate eating stations (see eating stations defined by undulating portion 22 and elements 36 and 46 in figure 1).
4. Regarding claim 2, France et al. disclose the container further comprises a first section connected to a second section (see fig 1).
5. Regarding claim 3, France et al. disclose the first section has a rectangular cross section (see fig 3).
6. Regarding claim 4, France et al. disclose the second section has a trapezoidal shape (see fig 3).

7. Regarding claim 5, France et al. disclose the first and second section each comprise a plurality of sidewalls wherein each of the plurality of side walls has structure which defines a plurality of openings (see fig 1).
8. Regarding claim 6, France et al. disclose a feed divider member (see fig 2) located within the container (see fig 1) for directing feed towards the openings in the plurality of sidewalls in the container.
9. Regarding claim 7, France et al. disclose the regions of increased and decreased extension comprise an outboard end and and inboard end (see fig 1, elements 12, 16, 51, 22, and 52, wherein the inboard end is adjacent the container).
10. Regarding claim 8, France et al. disclose the outboard end 50 is positioned higher than the inboard end 22.
11. Regarding claim 10, France et al. disclose the regions of increased extension further comprise an indentation located near the outboard end (see indentation below element 24 in fig 3).
12. Regarding claim 11, France et al. disclose the region of increased extension comprises a central section 24 that runs parallel to the ground.
13. Regarding claim 12, France et al. disclose the central section has a pair of side members 12, 18 that slope to form a trough like shape.
14. Regarding claim 13, France et al. disclose one or more drains (holes through which element 38 passes suitable for draining liquid from the regions of increased extension.
15. Regarding claim 15, France et al. disclose a truss system 36, 46.

16. Regarding claim 16, France et al. disclose a plurality of support legs 48, 34 attached to the truss system.

17. Regarding claim 17, France et al. disclose the plurality of support legs 34, 48 are attached to a base portion 18 suitable for permitting the feeding apparatus to slide over a surface.

18. Regarding claim 18, France et al. disclose the base portion comprises a mushroom shape 12, 18.

19. Regarding claim 20, France et al. disclose a first container having rectangular cross section 14 comprising side walls having a plurality of vertically oriented members 12, 18, 30, 30'; a second container having a trapezoidal shape (see fig 3) comprising side walls 12, 18 having a plurality of vertically oriented members 36, 46 wherein the second container is connected to the first and wherein the vertically oriented members define a plurality of openings to permit access to the interior of the first container section and second container section; and an extension portion 51, 52 surrounding the second container section (see fig 1).

20. Claim 23 (method) is rejected under 35 U.S.C. 102(b) as being anticipated by France et al. US 3180319.

21. Regarding claim 23, France et al. disclose the method of feeding livestock comprising providing a feeding apparatus 10, the feeding apparatus comprising a container and an undulating extension surrounding the container; said undulating extension forming a plurality of feeding stations; placing suitable feed into the container of the feeding apparatus; and allowing livestock to access the feeding apparatus.

***Claim Rejections - 35 USC § 103***

22. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

23. Claims 9 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over France et al.

24. Regarding claim 9, France et al. do not disclose the outboard end is from about 0.5 feet to about 4 feet higher than the inboard end.

25. It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the outboard end 0.5 to 4 feet higher than the inboard end in order to help hold the food inside the feeder.

26. Regarding claim 14, France et al. do not disclose the hole (which element 38 passes through in figure 1) is a keyhole shape.

27. It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the drain of a keyhole shape, as it would facilitate drainage of the feed stations.

***Conclusion***

28. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Eyestone US997380; Weaver US1252521; Lewis et al. US1269827; Walters US1358484; Kramer US1727610; Moore US3205860; Sunner US3491724; Brickel USD229073; Cuprak USD229074; Norman US4825588; Anderson US4148278; Schossow US4258663; Carlin US4335679; Youngs-McVicker US5323733; Rumbaugh US5311840; Dollahan US6691642; Kendall US4580528; Tart USD326742.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bethany L. Griles whose telephone number is 703.305.1839. The examiner can normally be reached on Monday through Friday 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 703.308.2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*blg*  
Bethany L. Griles  
Examiner  
Art Unit 3643

*Peter M. Poon*

Peter M. Poon  
Supervisory Patent Examiner  
Technology Center 3600

*5/14/07*